

REMARKS

With this amendment, claims 1, 6, 9-11, 19 and 22-30 are pending in the present application. Claims 19, 20 and 23-25 have been amended, and claims 28-30 have been added.

In paragraphs 1-2 of the Office Action, the Examiner rejects claims 25-27 under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. In particular, the claim recites the limitation of “a computer program comprising instructions tailored to the memory, display and output capabilities of said portable terminal.” The Office Action alleges that, “the specification only describes the ‘reconstruction capability’ in general (particularly to data security such as encryption), the memory, display and output capabilities of the portable terminal contains new subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” While data security problems of the prior art are discussed in the background, and the invention solves a weakness in Internet data security, applicant disagrees that the application is only directed, in particular, to data security. As stated in the specification at page 18, lines 7-15 “[F]or such a portable terminal 304, the external server terminal 305 provides a space for storing contents with relatively large data amounts. If the portable terminal 304 has insufficient content reconstruction capability because of its functional problem, the external server terminal 305 converts the data of contents, thereby consequently increasing the reconstruction capability for the contents.” Nevertheless, Applicant has amended claim 25 to recite a limitation that the “computer program comprising instructions tailored to the *reconstruction* capabilities of said portable terminal.” (Emphasis added).

Applicant wishes to thank the Examiner for the indication of allowable subject matter regarding claims 19-20 and 22-24 in paragraph 6 of the Office Action. Applicant has amended claim 19 to incorporate the limitations of claim 20-21 as suggested in paragraph 4 of the Office Action. In addition, Applicant has amended claim 19 to indicate

which steps are performed by the external server. With these amendments, Applicant believes that the rejection given in paragraphs 3 and 4 of the Office Action has been overcome.

In paragraph 5 of the Office Action, claims 1, 6 and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,397,079 to Shimoda et al. (Shimoda) in view of Applicant's admitted prior art (AAPA). Applicant respectfully traverses these rejections.

As previously argued by Applicant, among the limitations of independent claims 1 and 9 that are neither taught nor suggested in the prior art of record is that the terminal comprises a "determination means for determining whether the radio terminal can reconstruct the content acquired by the content acquisition means without any conversion" and "content reconstruction means for ... directly reconstructing at least part of the content acquired by the content acquisition means before receiving the converted content from the external server." The claimed radio terminal and information processing system enhance the ability of the radio terminal to reconstruct content acquired from a content server through the Internet and rapidly display content that the radio terminal can reconstruct. The claimed radio terminal and information processing system, including the advantages obtained thereby, are neither taught nor suggested in the prior art of record.

Shimoda is directed to a personal computer that can be interfaced with a cellular phone to facilitate voice communications (see Fig. 1.). Shimoda teaches or suggests that the advanced language translation features provided by the computer enables the user to "receive real-time translations of the spoken words generated by a caller or can send translated messages over the telephone to another person who speaks a different language." Col. 3, lines 20-24. Shimoda also teaches that advanced encryption and authentication features can be provided by the computer and that a normal cellular telephone cannot implement these features. Shimoda fails to teach or suggest determining whether content acquired from the Internet is in a data format that the radio terminal can reconstruct itself or reconstructing content that can be reconstructed by the radio terminal before converted

content data is reconstructed, as required by claims 1 and 9.

Paragraph 5 of the Office Action argues that “the radio terminal would obviously decode the header of the data message to determine whether the data message comprises encrypted information, the decoded header would read on ‘directly reconstructing an advance at least part of the content acquired by the content acquisition means before receiving the converted content from the external server’ as claimed.” However, inspection of a data header is not disclosed anywhere in the Shimoda reference, and the Office Action does not provide a citation for this limitation. As taught by Shimoda, “the application 28 can call an encryption and authentication routine 40 which uses a database 42. Using this technique, the transceiver may implement a relatively advanced encryption and authentication routine which may not be possible given the constraints of normal cellular telephones.” See col. 3, lines 25-30. Shimoda teaches that the application program 28, contained within the external server, determines whether an encryption and authentication routine 40 should be invoked, such determination is not performed by the cellular telephone. In addition, the Office Action fails to disclose or provide a citation to Shimoda where Shimoda teaches or suggests that the radio terminal reconstructs content before converted content data is reconstructed.

In contrast, the present invention claims that the terminal comprises a “determination means for determining whether the radio terminal can reconstruct the content acquired by the contact acquisition means without any conversion.” The Office Action recites that “the radio terminal would obviously decode the header of the data message to determine whether the data message comprises encrypted information,” which is, of course, improper hindsight, amounts to reconstruction of the claim, and fails to present a *prima facie* case of obviousness. Accordingly, Applicant respectfully submits that independent claims 1 and 9 patentably distinguish over the art of record.

Claims 6 and 10-11 depend either directly or indirectly from independent claims 1 and 9, and include all the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from

which they depend, are neither disclosed nor suggested in the prior art of record. Accordingly, these claims are likewise patentable.

New claims 28-30 have been added to more fully claim the scope of the invention.

In view of the foregoing, favorable consideration of the amendments to the claims, and allowance of the present application is respectfully and earnestly solicited.

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Respectfully submitted,

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